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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all similarly
situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**[PROPOSED] ORDER DENYING
GOOGLE'S MOTION FOR LEAVE TO
FILE SUR-REPLY**

Referral: The Honorable Susan van Keulen

1 Before the Court is Google's Motion for Leave to File Sur-Reply (Dkt. 735, Google's
 2 "Motion"), to which Plaintiffs responded in opposition (Dkt. ____). Having considered the parties'
 3 papers filed in support of and in opposition to Google's Motion, and all other matters properly
 4 considered by this Court, the Court **DENIES** Google's Motion.

5 As an initial matter, Google cites no rule permitting its requested relief. Google sought no
 6 stipulation from Plaintiffs, so Google's filing is therefore not an administrative motion. Civil L.R.
 7 7-11(a).

8 After a reply is filed, only two situations permit additional filings: (1) objection to reply
 9 evidence; or (2) a relevant judicial opinion published thereafter and without argument. Civil L.R.
 10 7-3(d). Neither applies here. Google neither objected to any reply evidence nor cited any new law.
 11 Even if construed as an objection, it would be untimely. Civil L.R. 7-3(d)(1) (objection required
 12 within seven days). Nevertheless, "[s]urreplies are disfavored and the Court routinely rejects
 13 them." *Buffin v. City and County of San Francisco*, 2016 WL 2606865, *1 (N.D. Cal. May 6, 2016)
 14 (Gonzalez Rogers, J.). Seeking to address "erroneous assertions" does not necessarily justify a sur-
 15 reply. *Banga v. First USA, NA*, 29 F. Supp. 3d 1270, 1276 (N.D. Cal. 2014).

16 Google has not demonstrated that a sur-reply is warranted. Google's Motion mostly restates
 17 its arguments made in opposition to Plaintiffs' motion for supplemental discovery sanctions (Dkts.
 18 656, 696). The Court disregards those impermissible restatements in Google's proposed sur-reply.
 19 Where Google did address a document that Plaintiffs first cited in their reply brief (Dkt. 708), that
 20 document did not raise a new matter for consideration, but instead was offered in support of
 21 arguments Plaintiffs previously made in their opening papers (Dkt. 656) and addressed by Google
 22 in its opposition (Dkt. 696). Google has failed to demonstrate that Plaintiffs' reply raised any new
 23 arguments not raised in the opening papers.

24 **IT IS SO ORDERED.**

25 DATED: _____

26 _____
 27 Honorable Susan van Keulen
 28 United States Magistrate Judge